

122AASEPC Conference
1 UNITED STATES DISTRICT COURT
1 SOUTHERN DISTRICT OF NEW YORK

2 -----x

3 IN RE:
4 WORLD TRADE CENTER LOWER
5 MANHATTAN DIASTER SITE LITIGATION,
6 21 MC 100 (AKH)
7 21 MC 102 (AKH)
8 21 MC 103 (AKH)

9 -----x

9 New York, N.Y.
10 February 2, 2011
10 2:30 p.m.

11 Before:

12
12 HON. ALVIN K. HELLERSTEIN,
13
13 District Judge

14
14 APPEARANCES

15
16 GREGORY J. CANNATA & ASSOCIATES
16 Plaintiff Liaison Counsel (21 MC 102)
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18 BY: GREGORY J. CANNATA

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1 APPEARANCES Continued

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3 contractors

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1 I'd like to see the payments go out to the plaintiffs. They
2 have been waiting a long time. They should get their money.

3 Number two on the agenda is the status of plaintiffs
4 who are eligible for the first victim compensation fund. I
5 issued an order in October that there were discussions well
6 before that. In November Mr. Napoli asked for another 30 days.

7 Where are we, Mr. Napoli?

8 MR. NAPOLI: Your Honor, I think there's two things to
9 discuss on this topic. And one is the Zadroga bill. There is
10 some question as to whether or not these individuals will be
11 eligible or ineligible for the reopening of the VCF to remedy
12 any inequities in the amount of money they received either
13 because it wasn't enough at the time, they didn't understand
14 the injuries they had or those injuries got so much worse.

15 So in that regard on one hand I would ask that your
16 Honor as we did in 102 stay this until the regulations come
17 out --

18 THE COURT: No.

19 MR. NAPOLI: OK. Then, your Honor, on the second
20 hand, your Honor, then I would ask that a briefing schedule be
21 made and --

22 THE COURT: The issue is, who gives them advice? I
23 understand there are 55 people. I don't know their names. I
24 don't know if Ms. Warner knows their names.

25 MR. NAPOLI: We have a list.

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1 THE COURT: I would like to have the list tomorrow.

2 MR. NAPOLI: That would not be a problem, your Honor.

3 THE COURT: Approximately 55 people. We've been
4 talking about this for a long time.

5 MR. NAPOLI: Yes, your Honor.

6 THE COURT: They need to be advised whether to try and
7 opt into the settlement, whether to not opt into the
8 settlement, whether to voluntarily dismiss their cases or to
9 proceed with their cases. They need a lawyer to advise them.
10 You have been their lawyer but you are bound under the
11 settlement. As I understand it the terms of the DCF which they
12 all participated is to bar them from litigation. So someone's
13 got to advise them what to do and I think I've waited enough
14 time.

15 So I am appointing Noah Kushlefsky of Kreindler &
16 Kreindler to represent this group of people. And you and I and
17 Mr. Kushlefsky will discuss the terms of an appropriate order
18 and I think it's appropriate also, at least for the plaintiff
19 giving advice, that your firm pay the fee. You took them on.
20 You can't give them advice. You are conflicted. Someone has
21 got to give them advice and I think that Mr. Kushlefsky is
22 interested and will do it and will do it well.

23 MR. NAPOLI: Well, your Honor, this is the first I've
24 heard of the name. I certainly --

25 THE COURT: Kreindler & Kreindler you've heard of.

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1 MR. NAPOLI: I know where he is from, your Honor. He
2 is my competitor in business.

3 THE COURT: Mr. Napoli, I've given you how many
4 months?

5 MR. NAPOLI: Nobody has asked me if I have had anybody
6 to help.

7 THE COURT: I've asked you to recommend in October.
8 In November you asked for another 30 days.

9 MR. NAPOLI: I have, your Honor, and I have such a
10 name of a person.

11 THE COURT: Mr. Kushlefsky's approved. Thank you.
12 And I'll trust that you and he cooperate.

13 The next category number 3 is that we have been told
14 that there are 19 plaintiffs who were allegedly eligible to
15 settle under this settlement process agreement and expressed a
16 wish to enter into the settlement after the January 5
17 confirmation date. There is an issue whether or not they're
18 entitled. Under the terms of the agreement they're late. That
19 January 5 date was a date that was several times enlarged. If
20 there's a ground to allow them to file for the SPA that should
21 be known, otherwise, I feel it's too late. So a motion has to
22 be made or this claim has to be abandoned.

23 Any comments?

24 MR. NAPOLI: Your Honor, we will file a motion.

25 THE COURT: By when?

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